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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,238	07/30/2001	Alberto Patarchi	PATARCHI 3	9367
1444	7590	09/17/2002	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			LE, DANG D	
		ART UNIT	PAPER NUMBER	
		2834		

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/890,238	PATARCHI, ALBERTO	
	<b>Examiner</b> Dang D Le	<b>Art Unit</b> 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-16 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) 5-16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \*    c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Specification***

1. The abstract of the disclosure is objected to because it contains more than 150 words and the word "comprises" in lines 6 and 12. Correction is required. See MPEP § 608.01(b).

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the span of the polar step in claim 1, line 9 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 5-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only and cannot depend from any other multiple dependent claim*. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification and drawings do not clearly disclose if the step p is a space or not. It is not clear how the distance is equal to "a fourth of a cycle and half a permanent magnet" as shown in lines 3-5, page 5. It is neither clear what the meaning of the artificial energy 12-15 is as shown in line 22, page 5. The specification appears to be a literal translation into English from a foreign document.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Some not-well-defined words in claim 1 are "primary" in line 3, "related control system" in line 8, "artificial electromagnetic energy" in line 19.

In addition, it is not clear what "those" in line, "its" in line 13 and "one" in lines 15 and 16 refer to. It is neither clear what "the input and output of the permanent

magnets", "the neutral steps", "the competing forces" and "alternating and superimposed steps" are.

Claims 2-4 contain similar problems.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Heidelberg et al.

Regarding claim 1, Heidelberg et al. show an energy generator as dynamo-electric machine with separate and harmonized employment of the positive and negative interacting forces at the input and output of the permanent magnets (8), characterized by a primary (22) comprising one or more pairs of polar expansions (12), mechanically separated and electrically offset from each other by a polar step (26) and each provided with a ferromagnetic core (22) and with at least an electromagnetic coil (14) and by a secondary (2) comprising a succession of alternated heteronomous permanent magnets (8), and by a related control system, wherein each polar step (26) spans half a permanent magnet of said alternated heteronomous permanent magnets, equal to a fourth of a complete cycle the magnetic forces being balanced by those of the permanent magnets for the characteristic paired disposition of the polar expansions active separately during the conductor steps and its ferromagnetic cores active

separately during the neutral steps in "natural" attraction, whose equilibrium disposition is obtained with the phase offset of the expansion pair with its ferromagnetic cores, one positioned at the center of the permanent magnets and the other one distanced by a polar step between two permanent magnets, thereby zeroing the competing forces, with a continuity, at alternating and superimposed steps, of "natural ferromagnetic" plus it artificial electromagnetic" energy in two complete superimposed energy cycles.

Regarding claim 2, it is noted that Heidelberg et al. also show the two separate energy cycles being divided into four fourths each acting on two permanent magnets of opposite polarity, in the first "natural energy" cycle at the input of the permanent magnets the two ferromagnetic cores of the pair work first one then the other during the alternating neutral steps for two separate cycle fourths each in a complete cycle and in the second superimposed cycle of "artificial energy" at the output of the permanent magnets, the polar expansions of the pair with its coils also work first one and then the other during the alternating conductor steps for two separate cycle fourths each in a complete cycle, all by means of the control system that switches the neutral Steps and the conductor steps alternatively on one or the other coil at the output of the permanent magnets.

Regarding claim 3, it is noted that Heidelberg et al. also show when it operates as a motor, each electromagnetic coil is powered with positive and negative electrical current only for two separate cycle fourths during a complete repulsion cycle on two successive heteronomous permanent magnets during the conductor steps, switched by the control system the electromagnetic energy is transformed into mechanical energy

and goes to the axis in parallel to the second superimposed cycle of "natural energy" produced by the ferromagnetic cores at the input to the successive heteronomous permanent magnets during the neutral steps also transformed in mechanical energy, with the addition of the two energies and with continuous and linear absorption.

Regarding claim 4, it is noted that Heidelberg et al. also show when it operates as a generator of electrical energy, the axis of the machine is powered with mechanical energy which is transformed into electrical current by each electromagnetic coil for two separate cycle fourths each during a complete cycle, the energy produced is drawn through the control system during the conductor steps whilst the "natural energy" of the neutral steps active in attraction add their energy to the mechanical energy supplied to the axis with the result of a dual transformed energy and with total power relating to the sum of each separate cycle.

***Information on How to Contact USPTO***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL  
September 15, 2002



